



Arizona House of Representatives House Majority Research MEMORANDUM

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TO: Representative Bowers

SUBJECT: HB 2288: constables; duties; training; discipline

Date: April 14, 2016

CONCUR REFUSE BLUE SHEET #15

[HB 2288](#) passed the Senate on 3rd Read ([29-0-1-0](#)) and is listed on **Blue Sheet #15**. Please let me know if you intend to Concur or Refuse the Senate Amendments.

HOUSE ENGROSSED BILL

HB 2288 makes changes to statute relating to constables and the Constable Ethics Standards and Training Board (Board).

SENATE AMENDMENTS

The Senate amended the bill as follows:

1. Stipulates that the Board must adopt a standardized daily log for a constable that is approved by the Arizona Peace Officer Standards and Training Board.
2. Requires constables to maintain a standardized daily log of work related activities and file them monthly by the tenth day of the following month.
3. Removes the requirement that a constable must file a daily log with the clerk of the justice court.
4. Stipulates that the board of supervisors must determine the method for filing the standardized daily log.
5. Requires the constables of a county with four or more constables to elect by a majority vote, one constable to serve as the presiding constable and another to act as the associate presiding constable.
6. Stipulates that the associate presiding constable must perform the duties and exercise the powers of the presiding constable during the absence or inability to act of the presiding constable.

7. Allows a majority of the constables within a county to vote to remove the presiding constable or associate presiding constable and select a new constable to complete the term.
8. Sets the terms of the presiding constable and associate presiding constable at two-year terms.
9. Prescribes that the duties of the presiding constable are:
 - a. To serve as the liaison between the constables within the county and the county manager or other departments;
 - b. To assign deputy constables within the county;
 - c. To assign and manage clerical staff for the county constables; and
 - d. To assign, in a constable's absence, any court orders in need of service to another constable within the county.
10. Exempts counties from having to pay any costs to support the duties of a presiding constable or associate presiding constable.
11. Removes language requiring constables to serve and return all criminal summons and subpoenas within their county and rather, requires constables to execute, serve and return all processes, warrants, and notices directed or delivered to them by a justice of the peace of the county or by a competent authority.
12. Decreases Board membership for counties with a population of less than 1,000,000 and counties with a population of more than 1,000,000, from two constables to one.
13. Eliminates a governor appointed county sheriff from Board membership.
14. Includes the Director of the Arizona Peace Officer Standards and Training Board or the Director's designee as a member of the Board.
15. Allows a statewide constables association established prior to January 1, 2010, rather than the Arizona Association of Counties to appoint members of the Board.
16. Requires the Board to remedy a constable's inappropriate behavior by:
 - a. Urging them to resign rather than retire from office;
 - b. Placing a constable on probation for not more than 30 days, unless the constable is making progress but is not yet compliant, in which case the probation may be extended, in 30 day increments, for up to 180 days; or
 - c. Recommending to the board of supervisors that a constable who has been previously suspended, be suspended without pay for any specified length of time not to exceed the remainder of their term.
17. Specifies that final order relating to a constables behavior is to be issued by the county board of supervisors.
18. Allows a board of supervisors to modify or accept a recommendation to suspend a constable without pay, unless judicial review is requested by the affected constable.

19. Asserts that all current Board members are allowed to continue to serve until the end of their respective terms and any subsequent memberships or appointments must be made pursuant to statute.
20. Makes technical and conforming changes.